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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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09/055,553 04/06/98 KAIN
11 SOUTH MERIDIAN STREET
INDIANAPOLIS IN 46204

J EXAMINER BROWN, P

3624 ART UNIT	PAPER NUMBER
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11/24/98

DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-38 is/are pending in the application.
- ☐ Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 29-38 is/are allowed.
- ☒ Claim(s) 1-3, 8-15, 17, 23 and 24 is/are rejected.
- ☒ Claim(s) 4-7, 16, 18-22, 25-28 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 4
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

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1. Claims 8-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8, line 4, the phrase "found to include" is awkward and should be changed to "which includes...", or the like. Note also that the phrase "adapted to face toward a child.." should define more clearly that the back plate is located adjacent a front surface of the shell, and that the child actually rests against the back plate.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 14, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Burleigh et al.

Figures 1-6 show structure similar to that claimed.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said

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subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burleigh.

Burleigh (figs. 11,12) discloses a toothed locking mechanism for holding the panel in an adjusted position, and to have simply formed a plurality of teeth or "slots" on the arm member 96 which are engaged by a single tooth on the panel, would have been an obvious reversal of parts, and would have provided the structure as claimed.

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burleigh in view of Lefranc.

To have secured the ends of the shoulder straps of Burleigh to a rod member, for preventing withdrawal of the straps through the slots, would have been an obvious modification, as such is shown to be conventional by Lefranc (fig. 4).

7. Claims 4-13,16,18-22 and 25-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Note that claim 8 must be amended to overcome the 112 rejection.

8. Claims 29-38 are allowed.

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9.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tanaka et al and Weber et al show various features of the invention.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Brown whose telephone number is (703) 308-2103.

prb
November 18, 1998


PETER R. BROWN
PRIMARY EXAMINER